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EXAMINER

BATURAY, ALICIA

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,985

Applicant(s)

BENSCHOTER ET AL.

Examiner

Alicia Baturay

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 9, 10, 12-29, 32-41, 46-50 and 52-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9, 10, 12-29, 32-41, 46-50 and 52-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the amendment filed 19 May 2006.
2. Claims 6-8, 11, 30, 31, 42-45 and 51 were cancelled.
3. Claims 65-68 were added.
4. Claims 1-5, 9, 10, 12-29, 32-41, 46-50 and 52-68 are pending in this Office Action.

Response to Amendment

5. Applicant's amendments and arguments with respect to claims 1-5, 9, 10, 12-29, 32-41, 46-50, and 52-64 and new claims 65-68 filed on 19 May 2006 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 9, 10, 12-15, 19-22, 25-29, 32, 35, 36, 37-41, 46-48, 52-56 and 60-68 are rejected under 35 U.S.C. 102(e) as being unpatentable over Gupta et al. (U.S. 6,484,156).

8. With respect to claim 1, Gupta teaches a method for providing a user with information from a database, comprising:

Storing a plurality of information segments in the database (Gupta, Fig. 1, element 11; col. 3, lines 27-36); displaying at least a portion of one or more of the stored information segments (Gupta, Fig. 11, element 420; col. 16, lines 39-49); allowing the user to select information segments from among one or more displayed information segments (Gupta, col. 16, line 58 – col. 17, line 18); storing, in a sequence in a buffer, indicators representing respective information segments selected by a user (Gupta, col. 17, lines 19-35); and allowing the user to rearrange the sequence of the indicators in the buffer to affect an order in which the user selected information segments are to be presented to the user (Gupta, col. 17, lines 48-58).

9. With respect to claim 2, Gupta teaches the invention described in claim 1, including the method further comprising loading the user selected information segments into a memory (Gupta, col. 17, line 59 – col. 18, line 5).

10. With respect to claim 3, Gupta teaches the invention described in claim 2, including the method where the memory is associated with a personal computer (Gupta, col. 17, line 59 – col. 18, line 5).

11. With respect to claim 9, Gupta teaches the invention described in claim 1, including the method where a presentation of the user selected information segments includes playing, pausing, rewinding, or fast forwarding the corresponding information segments (Gupta, col. 13, lines 50-52).
12. With respect to claim 10, Gupta teaches the invention described in claim 1, including the method where the user selected information segments include video clips (Gupta, col. 3, lines 27-36).
13. With respect to claim 12, Gupta teaches the invention described in claim 1, including the method where at least one of the information segments in the database contains visual information (Gupta, col. 3, lines 27-36).
14. With respect to claim 13, Gupta teaches the invention described in claim 1, including the method where at least one of the information segments in the database contains audio information (Gupta, col. 3, lines 27-36).
15. With respect to claim 14, Gupta teaches the invention described in claim 1, including the method where at least one of the information segments in the database contains text information (Gupta, col. 3, lines 59-62).

16. With respect to claim 15, Gupta teaches the invention described in claim 1, including the method further comprising presenting the user selected information segments on a computer (Gupta, col. 17, line 59 – col. 18, line 5).

17. With respect to claim 19, Gupta teaches the invention described in claim 1, including the method further comprising presenting the user selected information segments on a media player (Gupta, col. 3, lines 37-45).

18. With respect to claim 20, Gupta teaches a method for presenting to a user information segments from a database, comprising:

Providing a buffer (Gupta, Fig. 11, element 402; col. 16, lines 39-49); receiving from the user selections of information segments in the database, the user selected information segments being represented by respective indicators (Gupta, col. 16, line 58 – col. 17, line 18); storing, in a sequence in the buffer, the indicators corresponding to the user selected information segments (Gupta, col. 16, line 58 – col. 17, line 18); allowing the user to select an indicator in the sequence and change the position of the selected indicator with respect to the other indicators in the sequence (Gupta, col. 17, lines 48-58); and presenting the user selected information segments represented by the respective indicators in the sequence, in the same order as the respective indicators in the sequence (Gupta, col. 17, lines 42-47).

19. With respect to claim 25, Gupta teaches the invention described in claim 20, including the method where the buffer includes a virtual cart (Gupta, Fig. 11, element 402; col. 16, lines 39-49).

20. With respect to claim 26, Gupta teaches the invention described in claim 20, including the method where at least one of the information segments in the database includes a video clip (Gupta, col. 3, lines 27-36).

21. With respect to claim 32, Gupta teaches a method for presenting to a user information segments from a database, comprising:

Receiving a request including one or more preferences concerning desired information segments; searching the database in response to the request (Gupta, col. 15, lines 27-35); providing an indicator representative of at least one information segment selected from the database which satisfies the preferences; placing the indicator in a buffer (Gupta, Fig. 11, element 419; col. 16, lines 39-49); arranging the indicator with at least a second indicator in the buffer in a sequence, the second indicator being representative of a second information segment (Gupta, Fig. 11, element 421; col. 16, lines 39-49); allowing the user to select the indicator and change the position of the indicator with respect to the second indicator in the sequence, to generate a selected order of the indicators (Gupta, col. 17, lines 48-58); and presenting the selected information segment and the second information segment according to the selected order of the indicators representative in the buffer (Gupta, col. 17, lines 42-47).

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22. With respect to claim 35, Gupta teaches the invention described in claim 32, including the method where the request is received through a network (Gupta, col. 3, lines 21-23).
23. With respect to claim 36, Gupta teaches the invention described in claim 35, including the method where the network includes at least part of an Internet (Gupta, col. 3, lines 21-23).
24. With respect to claim 46, Gupta teaches a system for serving information segments for presentation thereof, comprising:
- A database containing a plurality of information segments (Gupta, Fig. 1, element 11; col. 3, lines 27-36); a device for displaying at least a portion of one or more of the segments (Gupta, col. 4, lines 1-7); an interface for allowing a user to select information segments from among the one or more displayed information segments, a buffer for storing indicators (Gupta, Fig. 11, element 420; col. 16, lines 39-49), each indicator representing a respective user selected information segment, the indicators being arranged in a sequence (Gupta, col. 17, lines 19-35); and a controller for allowing the user to rearrange the sequence of the indicators in the buffer to affect an order in which the user selected information segments are to be presented to the user (Gupta, col. 17, lines 48-58).
25. With respect to claim 61, Gupta teaches the invention described in claim 1, including the method further comprising:

Providing an option to review content of at least part of an information segment (Gupta, col. 16, line 58 – col. 17, line 18).

26. With respect to claim 62, Gupta teaches the invention described in claim 1, including allowing the user to rearrange the sequence of the indicators in the buffer to affect an order in which the user selected information segments are to be presented automatically to the user (Gupta, col. 17, lines 48-58).

27. With respect to claim 63, Gupta teaches the invention described in claim 20, including the method, comprising:

Presenting automatically the user selected information segments represented by the respective indicators in the sequence in the same order as the respective indicators in the sequence (Gupta, col. 17, lines 42-47).

28. With respect to claim 64, Gupta teaches the invention described in claim 46, including the system further comprising:

A processing unit for providing an option to review content of at least part of an information segment (Gupta, col. 16, line 58 – col. 17, line 18).

29. With respect to claim 65, Gupta teaches a method for presenting to a user information segments from a database, comprising:

Providing a buffer (Gupta, Fig. 11, element 402; col. 16, lines 39-49); receiving from the user selections of individual information segments in the database, each of the user selected information segments being represented by respective indicators (Gupta, col. 16, line 58 – col. 17, line 18), the indicators being different from the corresponding information segments (Gupta, col. 16, lines 39-42); storing, in a sequence in the buffer, the indicators corresponding to the user selected information segments, in response to the selection of each individual information segment (Gupta, col. 16, line 58 – col. 17, line 18); allowing the user to select an indicator in the sequence and change the position of the selected indicator with respect to the other indicators in the sequence (Gupta, col. 17, lines 48-58); and presenting the user selected information segments represented by the respective indicators in the sequence in the same order as the respective indicators in the sequence (Gupta, col. 17, lines 42-47).

30. With respect to claim 66, Gupta teaches a method for providing a user with information from a database, comprising:

Storing a plurality of video files in the database (Gupta, Fig. 1, element 11; col. 3, lines 27-36); searching one or more databases to identify a plurality of video files pertaining to a topic selected by a user (Gupta, col. 15, lines 27-35); displaying to the user a respective descriptor of each of the identified video files (Gupta, Fig. 11, element 420; col. 16, lines 39-49); allowing the user to select, for placement into a buffer, individual ones of the displayed descriptors (Gupta, col. 16, line 58 – col. 17, line 18); storing, in a sequence in the buffer, in response to each selection of a descriptor, an indicator comprising at least a respective text

indicative of the video file corresponding to the selected descriptor (Gupta, col. 17, lines 19-35); allowing the user to rearrange the sequence of the indicators in the buffer to create a second sequence (Gupta, col. 17, lines 48-58); and presenting the video files corresponding to the indicators in the buffer in accordance with the second sequence (Gupta, col. 17, lines 42-47).

31. With respect to claim 67, Gupta teaches the invention described in claim 66, including searching one or more databases to identify a plurality of video files pertaining to a topic selected by a user, in response to a selection of a displayed topic (Gupta, Fig. 11, elements 417 and 419; col. 16, lines 50-57).

32. With respect to claim 68, Gupta teaches the invention described in claim 1, including where the indicator is different than the displayed portion of one or more of the stored information segments (Gupta, col. 16, lines 39-42).

33. Claims 21, 22, 27-29, 37-41, 47, 48, 52-56 and 60 do not teach or define any new limitations above claims 2, 3, 12-15, 19, 25 and 26 and therefore are rejected for similar reasons.

Claim Rejections - 35 USC § 103

34. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. Claims 4, 5, 16-18, 23, 24, 33, 49, 50 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta and further in view of Ahmad et al. (U.S. 6,263,507).

36. With respect to claim 4, Gupta teaches the invention described in claim 2, including the method further comprising loading the user selected information segments into a memory (Gupta, col. 17, line 59 – col. 18, line 5).

Gupta does not explicitly teach the use of a set-top box.

However, Ahmad teaches the method where the memory is associated with a set-top box (Ahmad, col. 11, lines 36-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gupta in view of Ahmad in order to enable the use of a set-top box. One would be motivated to do so in order to enable organizing, categorizing and relating various segments of a large body of information to facilitate access and review the body of information.

37. With respect to claim 5, Gupta teaches the invention described in claim 2, including the method further comprising loading the user selected information segments into a memory (Gupta, col. 17, line 59 – col. 18, line 5).

Gupta does not explicitly teach the use of a personal video recorder.

However, Ahmad teaches the method where the memory is associated with a personal video recorder (Ahmad, col. 19, line 66 – col. 20, line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gupta in view of Ahmad in order to enable the use of a set-top box. One would be motivated to do so in order to enable organizing, categorizing and relating various segments of a large body of information to facilitate access and review the body of information.

38. With respect to claim 16, Gupta teaches the invention described in claim 1, including a method for providing a user with information from a database, comprising:

Storing a plurality of information segments in the database (Gupta, Fig. 1, element 11; col. 3, lines 27-36); displaying at least a portion of one or more of the stored information segments (Gupta, Fig. 11, element 420; col. 16, lines 39-49); allowing the user to select information segments from among one or more displayed information segments (Gupta, col. 16, line 58 – col. 17, line 18); storing, in a sequence in a buffer, indicators representing respective information segments selected by a user (Gupta, col. 17, lines 19-35); and allowing the user to rearrange the sequence of the indicators in the buffer to affect an order in

which the user selected information segments are to be presented to the user (Gupta, col. 17, lines 48-58).

Gupta does not explicitly teach the use of a television.

However, Ahmad teaches the method further comprising presenting the user selected information segments on a television (Ahmad, col. 5, lines 42-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gupta in view of Ahmad in order to enable the use of a set-top box. One would be motivated to do so in order to enable organizing, categorizing and relating various segments of a large body of information to facilitate access and review the body of information.

39. With respect to claim 17, Gupta teaches the invention described in claim 16, including a method for providing a user with information from a database, comprising:

Storing a plurality of information segments in the database (Gupta, Fig. 1, element 11; col. 3, lines 27-36); displaying at least a portion of one or more of the stored information segments (Gupta, Fig. 11, element 420; col. 16, lines 39-49); allowing the user to select information segments from among one or more displayed information segments (Gupta, col. 16, line 58 – col. 17, line 18); storing, in a sequence in a buffer, indicators representing respective information segments selected by a user (Gupta, col. 17, lines 19-35); and allowing the user to rearrange the sequence of the indicators in the buffer to affect an order in which the user selected information segments are to be presented to the user (Gupta, col. 17, lines 48-58).

Gupta does not explicitly teach the use of a set-top box.

However, Ahmad teaches the method where the television interfaces with a set-top box (Ahmad, col. 11, lines 36-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gupta in view of Ahmad in order to enable the use of a set-top box. One would be motivated to do so in order to enable organizing, categorizing and relating various segments of a large body of information to facilitate access and review the body of information.

40. With respect to claim 18, Gupta teaches the invention described in claim 16, including a method for providing a user with information from a database, comprising:

Storing a plurality of information segments in the database (Gupta, Fig. 1, element 11; col. 3, lines 27-36); displaying at least a portion of one or more of the stored information segments (Gupta, Fig. 11, element 420; col. 16, lines 39-49); allowing the user to select information segments from among one or more displayed information segments (Gupta, col. 16, line 58 – col. 17, line 18); storing, in a sequence in a buffer, indicators representing respective information segments selected by a user (Gupta, col. 17, lines 19-35); and allowing the user to rearrange the sequence of the indicators in the buffer to affect an order in which the user selected information segments are to be presented to the user (Gupta, col. 17, lines 48-58).

Gupta does not explicitly teach the use of a personal video recorder.

However, Ahmad teaches the method where the television interfaces with a personal video recorder (Ahmad, col. 19, line 66 – col. 20, line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gupta in view of Ahmad in order to enable the use of a set-top box. One would be motivated to do so in order to enable organizing, categorizing and relating various segments of a large body of information to facilitate access and review the body of information.

41. With respect to claim 33, Gupta teaches the invention described in claim 32, including a method for presenting to a user information segments from a database, comprising:

Receiving a request including one or more preferences concerning desired information segments; searching the database in response to the request (Gupta, col. 15, lines 27-35); providing an indicator representative of at least one information segment selected from the database which satisfies the preferences; placing the indicator in a buffer (Gupta, Fig. 11, element 419; col. 16, lines 39-49); arranging the indicator with at least a second indicator in the buffer in a sequence, the second indicator being representative of a second information segment (Gupta, Fig. 11, element 421; col. 16, lines 39-49); allowing the user to select the indicator and change the position of the indicator with respect to the second indicator in the sequence, to generate a selected order of the indicators (Gupta, col. 17, lines 48-58); and presenting the selected information segment and the second information segment according to the selected order of the indicators representative in the buffer (Gupta, col. 17, lines 42-47).

Gupta does not explicitly teach the use of a predetermined search template.

However, Ahmad teaches the method where the request is formulated in accordance with a predetermined search template (Ahmad, col. 15, lines 45-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gupta in view of Ahmad in order to enable the use of a set-top box. One would be motivated to do so in order to enable organizing, categorizing and relating various segments of a large body of information to facilitate access and review the body of information.

42. Claims 23, 24, 49, 50 and 57-59 do not teach or define any new limitations above claims 4, 5 and 16-18 and therefore are rejected for similar reasons.

43. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta in view of Herz et al. (U.S. 6,020,883).

44. With respect to claim 34, Gupta teaches the invention described in claim 32, including a method for presenting to a user information segments from a database, comprising:

Receiving a request including one or more preferences concerning desired information segments; searching the database in response to the request (Gupta, col. 15, lines 27-35); providing an indicator representative of at least one information segment selected from the database which satisfies the preferences; placing the indicator in a buffer (Gupta, Fig. 11,

element 419; col. 16, lines 39-49); arranging the indicator with at least a second indicator in the buffer in a sequence, the second indicator being representative of a second information segment (Gupta, Fig. 11, element 421; col. 16, lines 39-49); allowing the user to select the indicator and change the position of the indicator with respect to the second indicator in the sequence, to generate a selected order of the indicators (Gupta, col. 17, lines 48-58); and presenting the selected information segment and the second information segment according to the selected order of the indicators representative in the buffer (Gupta, col. 17, lines 42-47).

Gupta does not explicitly teach a method of deriving preferences from a user preference file.

However, Herz teaches the method where the preferences are derived from a user preference file (Herz, col. 9, lines 31-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gupta in view of Herz in order to derive preferences from a user preference file. One would be motivated to do so in order to form a program made up of a composite of several source materials for a particular user.

Response to Arguments

45. Applicant's arguments filed 19 May 2006 have been fully considered, but they are not persuasive for the reasons set forth below.
46. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
July 31, 2006



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER